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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 **MICHELLE MAZUR, On Behalf of**
17 **Herself and all Others Similarly**
18 **Situated,**

18 Plaintiff,

19 v.

20 **EBAY, INC., HOT JEWELRY**
21 **AUCTIONS.COM d/b/a JEWELRY**
22 **OVERSTOCK AUCTIONS.COM d/b/a**
23 **PARAMOUNT AUCTIONS, and DOES**
24 **1-100, inclusive**

23 Defendants.

Case No. C 07 3967 MHP

**PLAINTIFF'S REQUEST
FOR JUDICIAL NOTICE**

28 ///

1 Pursuant to Federal Rules of Evidence 201(b), Plaintiff hereby requests that this Court
2 take judicial notice of the following documents attached to the Declaration of Matthew A. Siroka
3 in Support of Plaintiff's Motion for Judicial Notice ("Siroka Declaration").

4 1. The Amended Class Action Complaint With Jury Demand, *Farris v. GoAntiques,*
5 *Inc., et al.*, 2:05-CV-00227 (S.D. Ohio, dismissed Feb. 6, 2006).

6 2. Defendant eBay's Amended Motion to Dismiss Plaintiff's First Amended
7 Complaint, *Farris v. GoAntiques, Inc., et al.*, 2:05-CV-00227 (S.D. Ohio, dismissed Feb. 6,
8 2006).

9 ARGUMENT

10 This Court should take notice of the above-mentioned public documents ("the
11 Documents"). When considering a motion to dismiss, "courts may take judicial notice of matters
12 of public record outside the pleadings." *MGIC Indem. Corp. v. Weisman*, 803 F.2d 500, 504 (9th
13 Cir. 1986). Judicial notice is appropriate for "facts not subject to dispute." Fed. R. Evid. 201(b).
14 A court shall take judicial notice when requested by a party and when supplied by the necessary
15 information. *See id.*

16 Here, Plaintiff has supplied this Court with court documents from the public record.
17 Indeed, Defendant eBay itself filed the Documents in a District Court. Plaintiff is merely
18 respectfully requesting that this Court take notice of the fact that such filings have taken place and
19 that such filings were made by Defendant eBay. As such, this request involves a matter of public
20 record involving facts which are not subject to dispute. In light of this, the Court should grant
21 judicial notice with regards to the two above mentioned documents.

CONCLUSION

That the above-mentioned documents have been filed by eBay in a Federal District Court is not subject to reasonable dispute and the Court should grant judicial notice in this instance.

Dated: San Francisco, California
December 6, 2007

Respectfully submitted,

/s/ Matthew A. Siroka
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